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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,886	02/01/2000	Victor Alfaro	60970047-1	5423

22879 7590 07/22/2002

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EXAMINER

MOUTTET, BLAISE L

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/495,886

Applicant(s)

ALFARO ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-4.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Substitute Declaration

The applicant has filed a substitute declaration (paper no.10) in order to claim benefit of priority under 35 USC 120 from Alfaro US 6,296,343.

The present application has a common inventor with the instant application (Victor Alfaro), was co-pending with the current application (Alfaro 6,296,343 was patented on Oct, 2 2001 and the current application was filed earlier than this date) and the applicant has provided an amendment to the specification containing a specific reference to the earlier filed application.

Thus the claim for priority from Alfaro US 6,296,343 meets all the requirements under 35 USC 120 and is accepted (See MPEP 201.08).

Response to Proposed Amendment of Specification

The applicant has requested approval of the substitute specification submitted February 14, 2002 given the proposed amendments submitted July 8, 2002 in order to overcome the new matter concerns expressed by the examiner in paper no. 8.

The proposed amendment to the substitute specification would be acceptable to the examiner and both the substitute specification and the proposed amendment to the specification would be promptly entered if provided on a separate paper from the proposed amendments to the claims.

Response to Proposed Amendment of Claims

The applicant has proposed to amend claim 2 to recite "applying a narrowing process only in the axis of higher resolution while preserving any vertical edge pixels of the figure" instead of "applying a narrowing pattern only in the axis of higher resolution" in order to overcome the 35 USC 112 rejections contained in the prior action. While the examiner admits that this proposed amendment now makes the scope of claim 2 clear given the applicant's description and the prior art of record the proposed amendment also changes the meaning of the claim necessitating a new search of the prior art. Thus entry of this amendment is improper at this point in the prosecution.

The applicant has proposed to amend claim 1 to recite "eliminating alternate pixel rows from the higher resolution bitmap" within the third step of claim 1 and has proposed to amend dependent claims 3 and 4 by providing other significant amendments to overcome the prior art.

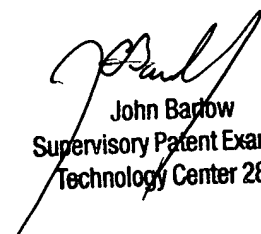
While the examiner agrees that the proposed amendments would overcome the 35 USC 102b rejections utilizing Towery et al. US 5,574,832 the examiner notes that the proposed amendments also significantly change the scope of the claims and are thus inappropriate for entry at this point in the prosecution.

The applicant has proposed to enter new dependent claims 5 and 6.

These new claims contain subject matter previously unclaimed and would necessitate a further search of the prior art by the examiner in combination with the limitations of claim 1.

Blaise Mouttet July 18, 2002

Bm 7/18/02


John Barlow
Supervisory Patent Examiner
Technology Center 2800